

## **REMARKS**

### **Status**

In the Office Action mailed on September 3, 2008, claims 1-24 were pending in the application. The present amendment cancels claims 2-5 and 20-22. In addition, new claims 25-31 have been added. As such, it is claims 1, 6-19 and 23-31 which are at issue.

### **The Rejection**

In the Office Action mailed on September 3, 2008, claims 1-4, 6, 8, 11-21, 23 and 24 were rejected and claims 5, 7, 9, 10 and 22 were objected to. In addition, the drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims.

Claim 24 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 14-18 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-4, 6, 8, 11-17, 19-21 and 23-24 were rejected under 35 U.S.C. §102(b) as being anticipated by Graf (US 6,030,027). And finally, claims 1-4, 6, 8, 12-17, 19-21 and 23-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Gloss (US 6,554,349).

Claim 18 was stated to be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. In addition, Claims 5, 7, 9-10 and 22 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Remarks Directed to the Objection of Claim 7**

Claim 7 has been amended such that “extending between” on line 2 has been replaced with “having”. As such, Applicant submits that claim 7 is no longer objectionable.

**Remarks Directed to the Rejection of  
Claim 24 under 35 U.S.C. §112, First Paragraph**

Claim 24 has been amended such that the windscreen deflector assembly as set forth in claim 1 no longer includes a cover operatively coupled to the vehicle for movement. Instead, the claim reads that the windscreen deflector assembly as set forth in claim 1 includes a cover that is coupled to the vehicle. As such, Applicant respectfully submits that claim 24 no longer fails to comply with the enablement requirement of 35 U.S.C. §112, first paragraph.

**Remarks Directed to the Rejection of  
Claims 14-18 under 35 U.S.C. §112, Second Paragraph**

Claim 14 has been rejected because the limitation “first and second cross members” in line 6 has insufficient antecedent basis for this limitation in the claim. However, line 4 of independent claim 14 states that a windscreen deflector assembly has a first cross member and a second cross member. As such, Applicant submits that the element “first and second cross members” in line 6 does have sufficient antecedent basis and claim 14 is not indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding claim 18, claim 18 has been amended such that the windscreen deflector assembly as set forth in claim 17 further comprises a linkage. As such, Applicant submits that the insufficient antecedent basis for “the linkage” has been overcome.

**Remarks Directed to the Rejection of  
Claims 1-4, 6, 8, 11-17, 19-21 and 23-24 under 35 U.S.C. §102(b)**

Independent claim 1 has been carefully amended such that it has incorporated the elements of claims 2-5. As such, Applicant respectfully submits that independent claim 1 is no longer anticipated by Graf (US 6,030,027) and requests that independent claim 1 and all claims depending thereon be moved towards allowance.

Regarding independent claim 19, this claim has been amended such that it incorporates the elements of claim 22 and any intervening claims. As such, Applicant submits that independent claim 19 is no longer anticipated by Gloss (US 6,554,349) and respectfully requests that independent claim 19 and all claims depending thereon be moved towards allowance.

**Remarks Directed to New Claims 25-31**

New independent claim 25 includes all the elements of original claim 1 in addition to the elements of original claim 9 and all intervening claims. Given that claim 9 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, Applicant submits that new independent claim 25 is in allowable form. In addition, dependent claims 26-31 depend upon independent claim 25 and are also submitted to be in allowable form.

**Conclusion**

Claims 1, 6-19 and 23-31 are the currently pending claims. Applicant submits that the claims as currently amended are in allowable form. If the Examiner has any suggestions or modifications that would place the claims in still better allowable form, the Examiner is requested to contact the attorney undersigned below.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

Dated: 12/03/2008

Respectfully submitted,

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